

DETAILED ACTION

1. The following office action is a **Final Office Action** in response to communications received on 06/22/2011.

Currently, claims 1-3, 5-9, 14-22, 24-29 and 31-39 have been amended; claims 4 and 23 have been canceled; new claims 40 and 41 have been added. Therefore, claims 1-3, 5-22 and 24-41 are pending in this application.

Response to Amendment

2. Applicant's amendment to the current claims overcomes the claim objections set forth in the previous office action. Accordingly, the Examiner withdraws the objection.

Applicant's amendment to claim 21 is sufficient to overcome the 35 U.S.C. 101 rejection set forth in the previous office action. In addition, Applicant's amendment to claims 1 and 21 is sufficient to overcome the 35 U.S.C. 112, sixth paragraph rejection set forth in the previous office action. Accordingly, the Examiner withdraws the above rejections.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- Claims 22 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 22 and 24 recite the term, "the step of comparing" in lines 1-2 of each claim. However, there is insufficient antecedent basis for this term in each claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1996), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
- Claims 1-3, 5-11, 13-22, 24-29 and 31-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson 2001/0031663 in view of Bronkema 2004/0247748.

Regarding claim 1, Johnson discloses the following claimed limitations: a system for facilitating responsible behavior by an entity (Para.0005), said system comprising an identification device to identify the entity and required to pursue the behavior (Para.0015 and Para.0023, lines 1-7), a facility to verify the identification device and to facilitate the pursuit of the behavior (Para.0018), a storage device coupled to be in communication with the facility to store information related to the pursuit of the behavior by the entity

(see Para.0017, lines 1-21), said information based at least on monitoring actual pursuit of the behavior by the entity (Para.0013, lines 15-18).

Johnson further implicitly discloses, a modeler module coupled to be in communication with the storage device to compare at least some of the stored information based on monitoring actual pursuit of the behavior with at least one behavior model behavior of a distribution of other entities (Para.0011, lines 9-20).

Johnson does not explicitly disclose, the modeler determine a category of behavior of the entity.

However, Bronkema discloses an analytic tool and method for adaptive behavior modification that teaches, a modeler determining a category of behavior of an entity (Para.0085 and Para.0093, lines 13-31).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the invention of Johnson in view of Bronkema by incorporating data analyzing scheme into the system in order to evaluate and compare the user's data (information) with various behavioral patterns stored in the system so that the system would effectively determine a behavior pattern that best describes the user, and generate appropriate guidance or instruction to help the user overcome or control his/her undesired behavior.

Regarding claims 2 and 3, Johnson in view of Bronkema teaches the claimed limitations as discussed above.

Johnson further discloses, the modeler module compares at least some of the stored information based on monitoring the actual pursuit of the behavior of the entity with at least one behavior model (Para.0011, lines 9-20).

Bronkema further teaches, the behavior model describes one or more categories of the behavior (Para.0093, lines 13-18); the modeler module compares at least some of the stored information of the entity with at least one behavior model describing earlier behavior of the entity (see Para.0093, lines 13-18 and Para.0134, lines 6-17).

Therefore, as already indicated above with respect to claim 1, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the invention of Johnson in view of Bronkema by incorporating data analyzing scheme into the system in order to evaluate and compare the user's data (information) with various behavioral patterns stored in the system so that the system would effectively determine a behavior pattern that best describes the user, and generate appropriate guidance or instruction to help the user overcome or control his/her undesired behavior.

Regarding claim 5, Johnson in view of Bronkema teaches the claimed limitations as discussed above.

Bronkema further teaches, the behavior model comprises one or more criteria related to the behavior (Para.0133, lines 12-26).

Therefore, as already indicated above with respect to claim 1, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to

modify the invention of Johnson in view of Bronkema by incorporating various set of rules (criteria) into the system wherein each set of rule defines a particular behavior pattern, in order to enhance the system's capacity to efficiently and accurately identify the type of behavior a given individual is experiencing (by comparing the user's behavior with the set of rules stored in the system); thereby making the system more effective and dependable to recognize a type of behavior.

Regarding claim 6, Johnson in view of Bronkema teaches the claimed limitations as discussed above.

Bronkema further teaches, the criteria include one or more of: an acceleration criterion, a chasing losses criterion, a frequency criterion, a duration criterion, an inter-behavior criterion, an income proportion criterion, an age criterion, a sex criterion, an override criterion, a disposable income criterion, a proportion of time spent employed criterion (see Para.0133, lines 1-15).

Therefore, here also, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the invention of Johnson in view of Bronkema by incorporating various set of rules (criteria) into the system wherein each set of rule defines a particular behavior pattern, in order to enhance the system's capacity to efficiently and accurately identify the type of behavior a given individual is experiencing (by comparing the user's behavior with the set of rules stored in the system); thereby making the system more effective and dependable to recognize a type of behavior.

Note that the limitations of claims 5 and 6 are further suggested by Johnson (e.g. see Para.0011, lines 9-20 and Para.0013, lines 15-22).

Regarding claims 7 and 8, Johnson in view of Bronkema teaches the claimed limitations as discussed above.

Johnson further discloses: the modeler module considers whether any limits, blocks, triggers and/or exclusions related to the entity have been activated (Para.0013, lines 15-22); the modeler module considers whether any limits, blocks, triggers and/or exclusions related to the entity have been overridden or have been attempted to be overridden by the entity (Para.0017, lines 1-14).

Bronkema further teaches a modeler determining the category of behavior of an entity (Para.0133, lines 12-26).

Therefore, as already indicated above with respect to claim 1, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the invention of Johnson in view of Bronkema by incorporating various set of rules (criteria) into the system wherein each set of rule defines a particular behavior pattern, in order to enhance the system's capacity to efficiently and accurately identify the type of behavior a given individual is experiencing (by comparing the user's behavior with the set of rules stored in the system); thereby making the system more effective and dependable to recognize a type of behavior.

Regarding claim 9, Johnson in view of Bronkema teaches the claimed limitations as discussed above.

Johnson further discloses, the modeler module attributes a different weight to the entity overriding a limit, trigger, block and/or exclusion generated by the behavior model than to the entity overriding a self-imposed limit, trigger, block and/or exclusion (Para.0017, lines 1-14).

Note that even if the reference does not explicitly state, for example, the modeler module attributes a different weight to the entity overriding a limit, one of ordinary skilled in the art (at the time of the claimed invention was made) would readily recognize the fact from the teaching of the reference that when the user enters his/her preferred limit amount instead of accepting the suggested limit by the system (i.e. overriding the system's limit), it is obvious that the user's new value would have a different weight (e.g. different amount) compared to the system's suggested value.

Johnson in view of Bronkema teaches the claimed limitations as discussed above. Johnson further discloses:

Regarding claim 10, a resolver module for checking whether limits, blocks or triggers related to the entity have been activated (Para.0026, lines 11-16),

Regarding claim 11, in response to the activation of one or more limits, blocks or triggers related to the entity, a targeted message is sent to the entity (Para.0026, lines 16-20),

Regarding claim 13, in response to the activation of one or more limits, blocks or triggers related to the entity, the resolver module initiates a change to one or more operating parameters of the facility (Para.0026, lines 24-28),

Regarding claim 14, the changes to one or more operating parameters of the facility include: preventing pursuit of the behavior, periodically preventing pursuit of the behavior, limiting a maximum monetary amount spent for each pursuit of the behavior, limiting a maximum length of time the behavior can be pursued, limiting a number of times the behavior can be pursued simultaneously, limiting a number of times the behavior can be pursued consecutively, reducing the speed at which the behavior can be pursued (Para.0026, lines 24-28),

Regarding claim 15, the behavior is gambling and the changes to one or more operating parameters include: preventing play, periodically preventing play, limiting a maximum monetary amount gambled per play, limiting a maximum length of time gambling can be pursued, limiting a number of games played simultaneously, limiting a number of games played consecutively, limiting a number of lines or hands or spins or throws of play, reducing the speed at which games are played (Para.0013, lines 1-22 and Para.0026, lines 24-28),

Regarding claim 16, a referrer module for updating information stored in relation to an entity where the entity has been referred for assistance in relation to their behavior (Para.0026, lines 28-34),

Regarding claim 17, a reporter module for generating reports about the pursuit of the behavior of an entity (Para.0026, lines 28-31),

Regarding claim 18, the identification device stores only a unique identifier for identifying the entity and no other information relating to the entity (Para.0015, lines 1-7 and Para.0018, lines 1-8),

Regarding claims 19 and 20, funds required to pursue the behavior are stored electronically by the storage device; the identification device electronically stores funds required to pursue the behavior (Para.0017, lines 1-21 and Para.0024).

Regarding claim 21, Johnson discloses the following claimed limitations: a method for facilitating responsible behavior by an entity (Para.0005), said method including facilitating pursuit of the behavior via a facility in response to verifying an identification device identifying the entity, the identification device required to pursue the behavior (Para.0015 and Para.0023, lines 1-7), monitoring actual pursuit of the behavior by the entity (Para.0026, lines 8-14), storing information related to the actual pursuit of the behavior by the entity in a storage device coupled to be in communication with the facility (Para.0013, lines 15-22 and also Para.0017, lines 1-21).

Johnson further implicitly discloses, a modeler module coupled to be in communication with the storage device comparing at least some of the information related to the actual pursuit of the behavior by the entity with at least one behavior model describing behavior of a distribution of other entities (Para.0011, lines 9-20).

Johnson does not explicitly disclose, the modeler module determining a category of behavior of the entity.

However, Bronkema discloses an analytic tool and method for adaptive behavior modification that teaches, a modeler module determining a category of behavior of the entity (Para.0085 and Para.0093, lines 13-31).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the invention of Johnson in view of Bronkema

by incorporating data analyzing scheme into the system in order to evaluate and compare the user's data (information) with various behavioral patterns stored in the system so that the system would effectively determine a behavior pattern that best describes the user, and generate appropriate guidance or instruction to help the user overcome or control his/her undesired behavior.

Regarding claim 22, Johnson in view of Bronkema teaches the claimed limitations as discussed above.

Johnson further discloses comparing includes comparing at least some of the information related to the actual pursuit of the behavior by the entity with at least one behavior model (Para.0011, lines 9-20)

Bronkema further discloses, comparing includes comparing the information related to the pursuit of the behavior by the entity with at least one behavior model describing earlier behavior of the entity (see e.g. Para.0093, lines 13-18 and Para.0134, lines 6-17).

Therefore, as already indicated above with respect to claim 21, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the invention of Johnson in view of Bronkema by incorporating data analyzing scheme into the system in order to evaluate and compare the user's data (information) with various behavioral patterns stored in the system so that the system would effectively determine a behavior pattern that best describes the user, and generate appropriate guidance or instruction to help the user overcome or control his/her undesired behavior.

Regarding claims 24 and 25, Johnson in view of Bronkema teaches the claimed limitations as discussed above. Johnson further discloses:

Regarding claim 24, comparing includes comparing at least some of the information related to the actual pursuit of the behavior by the entity with one or more criteria related to the behavior (Para.0011, lines 9-20 and Para.0013, lines 15-22),

Regarding claim 25, the criteria include one or more of: an acceleration criterion, a chasing losses criterion, a frequency criterion, a duration criterion, an inter-behavior criterion, an income proportion criterion, an age criterion, a sex criterion, an override criterion, a disposable income criterion, a proportion of time spent employed criterion (Para.0013, lines 15-22).

Johnson in view of Bronkema teaches the claimed limitations as discussed above. Johnson further discloses:

Regarding claim 26, considering whether any limits, blocks, triggers and/or exclusions related to the entity have been activated (Para.0013, lines 15-22),

Regarding claim 27, determining includes considering whether any limits, blocks, triggers and/or exclusions related to the entity have been overridden or have been attempted to be overridden (Para.0017, lines 1-14),

Regarding claim 28, attributing a different weight to the entity overriding a limit, trigger, block and/or exclusion generated by the behavior model than a weight attributed to the entity overriding a self-imposed limit, trigger, block and/or exclusion (Para.0017, lines 1-14).

Here also, as already indicated above with respect to claim 9, even if the reference does not explicitly state, for example, the modeler module attributes a different weight to the entity overriding a limit, one of ordinary skilled in the art (at the time of the claimed invention was made) would readily recognize the fact from the teaching of the reference that when the user enters his/her preferred limit amount instead of accepting the suggested limit by the system (i.e. overriding the system's limit), it is obvious that the user's new value would have a different weight (e.g. different amount) compared to the system's suggested value.

Johnson in view of Bronkema teaches the claimed limitations as discussed above. Johnson further discloses:

Regarding claim 29, sending a targeted message to the entity in response to the activation of one or more limits, blocks and/or triggers related to the entity (Para.0026, lines 16-20),

Regarding claim 31, initiating a change to one or more operating parameters of the facility in response to the activation of one or more limits, blocks and/or triggers related to the entity (Para.0026, lines 24-28),

Regarding claim 32, the changes to one or more operating parameters of the facility include: preventing pursuit of the behavior, periodically preventing pursuit of the behavior, limiting a maximum monetary amount spent for each pursuit of the behavior, limiting a maximum length of time the behavior can be pursued, limiting a number of times the behavior can be pursued simultaneously, limiting a number of times the

behavior can be pursued consecutively, reducing the speed at which the behavior can be pursued (Para.0026, lines 24-28),

Regarding claim 33, the behavior is gambling and the changes to one or more operating parameters of the facility include: preventing play, periodically preventing play, limiting a maximum monetary amount gambled per play, limiting a maximum length of time the gambling can be pursued, limiting a number of games played simultaneously, limiting a number of games played consecutively, limiting a number of lines or hands or spins or throws of play, reducing the speed at which games are played (Para.0013, lines 1-22 and Para.0026, lines 24-28),

Regarding claim 34, referring the entity for assistance in relation to their behavior (Para.0026, lines 28-34),

Regarding claim 35, the entity is referred for assistance following categorization of the behavior of the entity as being at risk behavior, problem behavior or compulsive/addictive behavior or a sub-category thereof (Para.0013, lines 1-6 and Para.0026, lines 28-34),

Regarding claim 36, generating reports about the pursuit of the behavior of an entity (Para.0026, lines 28-31),

Regarding claim 37, the identification device storing only a unique identifier for identifying the entity and no other information relating to the entity (Para.0015, lines 1-7 and Para.0018, lines 1-8),

Regarding claims 38 and 39, storing money electronically in the storage/identification device for pursuit of the behavior (Para.0017, lines 1-21 and Para.0024).

- Claims 12 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson 2001/0031663 in view of Bronkema 2004/0247748 and further in view of Walker 2003/0003983.

Regarding claim 12 and 30, Johnson in view of Bronkema teaches the claimed limitations as discussed above.

Johnson in view of Bronkema does not explicitly teach, a targeted message being one or more of: an electronic message sent to the facility, an SMS message sent to a portable communication device of the entity, an email sent to an email address of the entity, mail sent to a mailing address of the entity, a verbal message delivered in person to the entity.

However, Walker discloses, systems and methods for facilitating play of a casino game that teaches, sending a targeted message to an entity where in the targeted message is one or more of: an electronic message sent to the facility, an SMS message sent to a portable communication device of the entity, an email sent to an email address of the entity, mail sent to a mailing address of the entity, a verbal message delivered in person to the entity (Para.0086).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the invention of Johnson in view of Bronkema and further in view of Walker by sending an electronic alert message to the user, such

as an alert message via email regarding, for example, the amount of fund left in the user's account to play additional games in order to help the user evaluate his/her capacity before participating in any additional games; thereby giving the user ample time to organize his/her priorities in advance.

- Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson 2001/0031663 in view of Bronkema 2004/0247748 and further in view of Hodges 2003/0108849.

Regarding claim 40, Johnson in view of Bronkema teaches the claimed limitations as discussed above.

Johnson in view of Bronkema does not explicitly teach, the one or more categories of behavior include at risk behavior, problem behavior, compulsive/addictive behavior or a sub-category of any of these categories.

However, Hodges discloses a method of grouping patient information that teaches, one or more categories of behavior include at risk behavior, problem behavior, compulsive/addictive behavior or a sub-category of any of these categories (Para.0008-Para.0010 and Para.0012).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the invention of Johnson in view of Bronkema and further in view of Hodges by establishing a behavior classification that has different levels, in order to enable the system to evaluate the activities of the player and associate the player to one of the behavior levels (e.g. comparing the particular characteristics of the player and assign a particular level) so that the system would send

the appropriate message or advise to the player based on the assigned level; thereby making the system more reliable.

Regarding claim 41, Johnson in view of Bronkema and further in view of Hodges teaches the claimed limitations as discussed above.

Hodges further teaches, the sub-category includes low, medium or high (Para.0008-Para.0010 and Para.0012).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the invention of Johnson in view of Bronkema and further in view of Hodges by establishing a behavior classification that has different levels, in order to enable the system to evaluate the activities of the player and associate the player to one of the behavior levels (e.g. comparing the particular characteristics of the player and assign a particular level) so that the system would send the appropriate message or advise to the player based on the assigned level; thereby making the system more reliable.

Response to Arguments.

5. Applicant's arguments filed on 06/10/2011 have been fully considered but they are not persuasive. In the remarks, Applicant argues:

(1) Johnson discloses a smartcard for use with a regulated gambling system, the smartcard comprising an electronic clock for determining time periods and an electronic purse to determine monetary amounts. The system of Johnson relies on a pre- determined maximum amount to be wagered per time period, such as each month.....The disclosure in paragraph [0011] of Johnson is limited to a "knowledge base" containing knowledge relating to the individual user, the gambling games and gambling behavior . . . Johnson compares monitored behavior with

the knowledge base to determine if there is a problem but does not teach or suggest monitoring the player's actual gambling behavior to determine a category of behavior of the user . . .

- In response to argument (1), the Examiner respectfully disagrees. The above argument appears to be a *piecemeal* analysis (attacking a single reference without considering the combined teaching of the references) even though obviousness analysis should be based on the combined teaching of all references that are pertinent to the rejected claim(s).

In the instant case, the Examiner has already indicated that Johnson does not explicitly disclose the limitation regarding "*determining a category of behavior of the entity*". In fact, a secondary reference (Bronkema) has been incorporated to teach or suggest this limitation. For example, Bronkema discloses a tool and method for adaptive behavior modification that teaches a data analyzing scheme capable of evaluating and comparing the user's data with other behavior data stored in a database and determine a particular behavior pattern that best describes the user (e.g. see Para.0085 and Para.0093, lines 13-31) .

Therefore, as already indicated in the previous office action (and also in this Final office action), it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the invention of Johnson in view of Bronkema by incorporating such data analyzing scheme in order to enable the system to effectively determine a behavior pattern that best describes the user, and generate appropriate guidance or instruction to help the user overcome or control his/her undesired behavior.

Therefore, the Examiner concludes that Applicant's argument in this regard is not persuasive.

(2) In Johnson, with reference to paragraphs [0016] and [0017], the parameters employed to monitor the gambler's activity are dependent upon the information submitted by the user in response to a series of questions. . . .

In contrast, embodiments described in the pending application rely on one or more statistical behavior models to determine from the gambler's actual monitored activity a category of behavior of the entity, which may be, for example, an "at risk gambler" or a "problem gambler". The determination of the category of behavior of the entity does not rely on information provided by the gambler about their gambling activity or their circumstances. Nor does the determination rely on parameters approved or selected by the user to monitor activity...

- In response to argument (2), the Examiner respectfully disagrees. It appears that Applicant has misunderstood the combined teaching of the references as applied to the above claimed limitation.

First of all, the above argument appears to contradict the current invention not only as currently claimed, but also as originally disclosed. For instance, Applicant argues, "The **determination of the category of behavior** of the entity **does not rely on information provided by the gambler** about their **gambling activity** or **their circumstances**". This assumption or conclusion appears to be erroneous for the following reasons.

For example, Applicant's original disclosure states, "Preferably, the **modeler** model **considers** whether **any limits, blocks or triggers related to the entity** have been activated **in determining the category of behaviour** of the entity" (see Page 8,

lines 22-25 of applicant's original disclosure). That means data such as limits and blocks related to the entity are also considered when determining category of behavior.

The disclosure further describes that the current system obtains the above data, such as limits and blocks, from the entity. For example, "The information exemplified in FIG. 2 will depend on the type of behaviour with which the present invention is concerned. Where the behaviour concerned is gambling . . . one or more **self-imposed gambling limits** and/or one or more **self-initiated blocks** that can prevent the owner of the card from gambling **at the owner's election**" (e.g. see Page 15, lines 17-25 and Page 16, lines 1-3). That means, the current system also rely on **information provided by the gambler** when determining the category of behavior.

Therefore, Applicant's argument in this regard is not persuasive. In fact, it appears to contradict the current invention (at least for the reasons described above).

Secondly, as applied to claims 1 and 21, the only missing element with regard to the primary reference (Johnson) is the determination of a **behavior category**. However, the reference already teaches **data needed to be evaluated to determine a particular behavior**. Moreover, the data that is monitored by the system is not just data inputted by the player, but also additional data relevant to the behavior.

For example, Johnson describes, "The **control software tracks** each registered **individual's gaming transactions** and interjects alerts to the individual when reaching **loss limits, time limits**, or when **changes in gambling behavior** signal an issue, and **other related services**. There is an "expert system" component to the software, in that knowledge of the individual user, the gambling games, and gambling behavior are

programmed into the applications. Using this "knowledge base", **the software can then reveal variances** from the **norm** or established parameters, and recognize problems based upon **comparison of monitored behavior** with the **knowledge base**" (Para.0011, lines 9-20). That means, the prior art system implements an "expert" component that monitors the user's activities and **determines** whether **the user's behavior** is outside the norm or not, for example, by **comparing the monitored information to data stored** in the database. In fact, this capability (i.e. the system's capability to determine whether the user's behavior is outside the norm or not) implicitly suggests that the prior art system is also capable of determining a behavior category (e.g. identifying the user's behavior as being consistent with the norm, or identifying the user's behavior as being outside the norm).

Nevertheless, Bronkema is incorporated to further illustrate the fact that the above claimed limitation is old and well-known in the art at the time of Applicant's claimed invention was made.

Thirdly, Applicant's assumption in the above argument appears to be impractical. In order to enable the system to monitor the user's activities and detect or determine a change in behavior, someone has to input the particular conditions into the system (e.g. the variables or attributes needed to be evaluated or compared) so that that the system would utilize the stored conditions to make the determination. That means, there must be some pre-stored data in the memory of the system in order to make the system functional. Therefore, someone (either the user or the facility, or both) must input the conditions prior to any determination process.

Thus, Applicant's conclusion, "*The **determination of the category of behavior of the entity does not rely on information provided by the gambler about their gambling activity or their circumstances. Nor does the determination rely on parameters approved or selected by the user to monitor activity***" is not persuasive for the reasons discussed above.

Applicant also argues, "*Johnson relies on user input to determine playing parameters for the user which are used by the monitoring software to track the gambling activity and does not monitor the player's actual gambling behavior to determine a category of behavior*"

It appears that Applicant has misunderstood the basic teaching of the reference. It is very clear to one of ordinary skill in the art that Johnson's system does monitor the user's actual gambling behavior. For instance, Johnson describes, "**The system tracks a player's gaming time, expenditures, and other behavior such as speed of play and quality of gaming decisions.** The system is capable of imposing financial and/or time limitations on gambling that the player has agreed to set for him/herself through the safe gaming system registration process, or similar limits that may be legislated or imposed by the jurisdiction" (Para.0013, lines 15-22).

It is very clear at least from this section that the prior art system does monitor different variables or parameters that are **directly related to actual gambling**. For example, parameters such as player's gaming time and speed of plays are monitored when the player is actually engaging in the activity. It is unclear to the Examiner why Applicant has failed to recognize the above facts.

Thus, the Examiner concludes that Applicant's currently presented claimed limitations have already been taught or suggested by the prior art.

(3) Bronkema discloses a system and method for behavior modification through dynamic identification of behavior patterns, assistance in finding and implementing healthy alternatives to undesirable behavior patterns . . .

While Bronkema discloses a modeler containing possible behavior patterns that indicate a type of behavior, it does not teach or suggest a modeler for comparing at least some of the stored information based on monitoring actual pursuit of the behavior by the entity with at least one behavior model describing behavior of a distribution of other entities to determine a category of behavior of the entity. Rather, the modeler of Bronkema is limited to containing data relating to a behavior type, an effective healthy alternative behavior for the user and variable paths for the user to reach the healthy alternative behavior . . .

- In response to argument (3), the Examiner respectfully disagrees. Similar to the above arguments, here also Applicant appears to misunderstand the combined teaching of the references. First of all, the primary reference itself (Johnson) implicitly suggests such modeler that compares the player's actual behavior with stored information, and determines whether the player is within the norm group or not (Para.0011, lines 13-20). This clearly illustrates the fact that Johnson does suggest a modeler that determines a category of behavior of the entity by comparing at least some stored information of actual pursuit of the behavior with at least one behavior describing behavior of other entities.

Secondly, the secondary reference (Bronkema) is not necessarily required to teach or suggest a claimed limitation(s) that has already been addressed by the primary

reference. For instance, with regard to monitoring actual pursuit of the behavior by the entity, the primary reference already discloses an example where the system monitor's the player's gaming time, expenditures, speed of play, etc. Therefore, the secondary reference (Bronkema) is not necessarily required to teach or suggest such monitoring activities that have already been addressed by the primary reference. The secondary reference is incorporated to further teach limitation with regard to the determination of a behavior of a category after the data has been gathered. Applicant appears to misunderstand this critical concept. Therefore, Applicant's argument in this regard is also not persuasive.

Applicant also argues, "*The behavior model recited in independent claims 1 and 21 describes the behavior of a distribution of other entities, which is not taught or suggested by Bronkema. In contrast, the modeler of Bronkema teaches a list of behavior patterns that indicate a type of behavior*".

Here also Applicant appears to misunderstand the teaching of the reference. First of all, Bronkema does not simply teach a list of behavior patterns that indicate a type of behavior. This appears to be another erroneous assumption or conclusion by Applicant. Rather, Bronkema's system continuously monitors the user's behavioral data and compares the user's behavior to a list of behaviors to identify a particular behavior that matches the user (e.g. see Para.0093, lines 13-31). Of course, the prior art system also generates a package to assist the user in modifying the behavior.

Secondly, even for the current invention to utilize the "behavior of distribution of other entities", the system must have the list of the behaviors to begin with. Otherwise,

the system would not know what parameters to be evaluated or compared, thereby rendering the system inoperative or useless. In fact, the "behavior of a distribution of other entities" is equivalent to a list of behavior patterns that the system utilizes to make the determination.

Therefore, here also the Examiner concludes that Applicant's currently presented claimed limitations have already been taught or suggested by the prior art.

(4) While Walker discloses sending a targeted message to a player via electronic means, SMS, email or verbally, it does not teach or suggest that the targeted message is sent in response to the activation of one or more limits, blocks and/or triggers related to the entity, as recited in claims 12 and 30. Rather, the targeted message of Walker is to notify the player about the impending end of an expiration period to encourage a player to return to a casino during each of the predefined expiration periods. If anything, Walker teaches away from the embodiments described in the pending application because it encourages players to gamble more before expiry of their pre-paid account.....

- In response to argument (4), the Examiner respectfully disagrees. Of course, similar to the above cases, here also Applicant appears to misunderstand the combined teaching of the references. As clearly described above, when two or more references are combined to teach a given limitation(s), the secondary reference(s) is not necessarily required to teach or suggest the limitation(s) that has already been addressed by the primary reference.

For example, Johnson already discloses sending target message to the user in response to activations of one or more limits or blocks. For instance, the reference describes, "Interactive **alert messages** are introduced to the **player** as **his/her activity**

warrants. For example, a message may state: "You will reach your **time limit** for gambling activities **this week** in 15 minutes" (see Para.0026, lines 16-20). This clearly indicates the fact that Johnson's system indeed sends target messages in response to activations of one or more limits or blocks. Thus, the secondary reference (Walker) is not necessarily required to teach this limitation. Of course, it is unclear to the Examiner how Applicant has misunderstood this critical teaching. Thus, as far as Walker is concerned, the reference is incorporated to teach or suggest the limitation regarding sending the targeted message, for example, via a portable device and/or mailing address.

In fact, even without incorporating Walker's teaching, the primary reference appears to sufficiently suggest the above limitation. Nevertheless, Walker is incorporated to further illustrate the fact that sending such electronic messages to users is an old and well-known practice at the time of the current invention was made.

Moreover, Walker's system capability to monitor the expiration period before sending the message is similar to the act of monitoring a limit or block, and sending a message in response to the activation of the limit or block. In this case, the expiration period is considered as the limit or block. Thus, as this expiration period is reached or triggered, the system sends a message to the user. Therefore, it is very clear to one of ordinary skill in the art that Walker's system does send the message in response to activations of one or more limits or blocks.

Of course, the content of the message (e.g. the message being related to the status of expiring period, or about the amount left in the user's account) is irrelevant

since it requires only a routine skill in the art (at the time of the claimed invention was made) to incorporate any relevant content or message appropriate to a given condition.

Applicant further argues, "Walker teaches away from the embodiments described in the pending application because it encourages players to gamble more before expiry of their pre-paid account. In contrast, the limits, blocks and/or triggers are to aid in the accurate determination of irresponsible behavior".

However, this is also Applicant's another erroneous assumption. Reminding the user about the status of an expiring period does not necessarily mean encouraging the user to gamble. For example, when the user gets the notification (or the reminder), he/she may simply renew the period or account but decides not participate in the game. In fact, Applicant's assumption regarding this issue (encouraging the user to gamble) appears to have similar implication to the current invention. For example, if the user realizes that his/her limits related to a particular game (gambling game) has high value (e.g. higher limits or blocks), he/she may be encouraged to play more since he/she has sufficient fund in his/her account. This clearly shows the flaw in the above assumption.

Therefore, the Examiner concludes that Applicant's currently presented claimed limitations have already been taught or suggested by the prior art.

Conclusion

Applicant's amendment necessitated the new grounds of rejection presented in this final office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruk A. Gebremichael whose telephone number is (571) 270-3079. The examiner can normally be reached on Monday to Friday (7:30AM-5:00PM) ALT. Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI XUAN can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Buk A Gebremichael/
Examiner, Art Unit 3715

/Keshia Frisby/
Acting SPE of Art Unit 3715